

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**Application No. 16445** of National Graduate University (Buchanan Elementary School), pursuant to 11 DCMR 3108.1 for a special exception under Section 210 to establish a private school with 200 students and 21 staff located in an R-4 District at premises 1324 E Street, S.E. (Square 1042, Lot 827).

**HEARING DATES:** April 7, 1999 and June 16, 1999  
**DECISION DATE:** July 21, 1999

**SUMMARY ORDER**

At the public hearing of April 7, 1999, concerns arose concerning whether the application should be heard by the Board under Section 206 (private school) or Section 210 (college and university) of the Zoning Regulations. The Board determined that Section 210 of the Regulations would be appropriate to hear the application, and that a campus plan would be required. Among the reasons cited for requiring a campus plan are the building and its grounds are quite large; the courses to be taught at the university would lead to advanced degrees; the school building was previously used to house children, whereas the applicant is proposing to use it to accommodate adults; and, the school is located in a residential neighborhood where it could possible have adverse impacts on the community.

The Capitol Hill Restoration Society opposed granting the application because the information provided by the applicant, prior to the hearing, was incomplete, and the record needed to be clarified concerning the section of the Regulations from which zoning relief would be needed. As indicated above, the Board clarified the concern about the appropriate section of the Regulations for this project. Further, in addition to the materials initially filed, the Board required the applicant to provide substantial supplemental information.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 6B. ANC 6B, which is automatically a party to this application, submitted a written statement in support of the application.

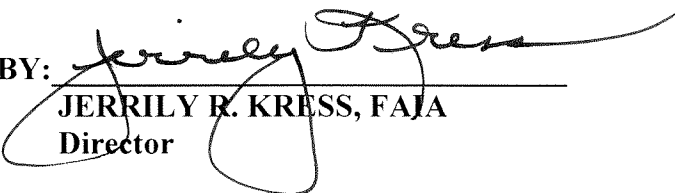
As directed by 11 DCMR 3324.2, the Board required the applicant to satisfy the burden of proving the elements, which are necessary to establish the case for a special exception pursuant to 11 DCMR Section 210. The Board resolved the concerns of the Capitol Hill Restoration Society; accordingly, a decision to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED**.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

**VOTE: 3-0** (Betty King, Sheila Cross Reid and Jerry H. Gilreath to grant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

ATTESTED BY:   
JERRILY R. KRESS, FAIA  
Director

**FINAL DATE OF ORDER:** AUG - 3 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

**BAB/7.23.99**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
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**BZA APPLICATION NO. 16445**

As Director of the Office of Zoning, I hereby certify and attest that on AUG - 3 1999 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Dr. Walter E. Boek, President  
National Graduate University  
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ATTESTED BY:

  
JERRILY R. KRESS, FAIA  
Director